



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,723	09/26/2003	Daniel R. Crapp	074535.0104	9414

5073 7590 04/14/2006

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EXAMINER

HICKS, MICHAEL J

ART UNIT	PAPER NUMBER
----------	--------------

2165

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/672,723	Applicant(s) CRAPP ET AL.	
	Examiner Michael J. Hicks	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-97 is/are pending in the application.
- 4a) Of the above claim(s) 84-97 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-97 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: <u>20060316</u> . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/11/2003</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Claims 1-97 pending.
2. Claims 83-97 withdrawn.

Election/Restrictions

3. Applicant's election without traverse of Group I (Claims 1-83) is noted.
Authorization for the election of Claim Group I was given by Brain Gaffney in a phone interview on 3/29/06 and subsequent phone message left on 3/30/06, as such, claims 84-97 will not be addressed in the present Office Action.
4. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-83 are drawn to methods for querying a client comprising a script swapping functionality to incur improved functionality and ease of use for the client.

Class 707, Subclass 2
 - II. Claims 84-97 are drawn to a method involving linking the querying of two separate clients in which the answers of the first client effects the questions asked of the second client.

Classified in Class 707, Subclass 10.

The inventions are distinct, each from the other because of the following reasons:

Invention Groups I and II are directed to the related field of querying clients. The related inventions are distinct if the inventions as claimed do not overlap in scope, i.e.,

Art Unit: 2165

are mutually exclusive; the inventions as claimed are not obvious variants; and the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect. See MPEP § 806.05(j). In the instant case, invention Group I has separate utility such as being able to query and gather information from a single client, which Group II cannot do. Invention Group II adds the utility of being able to query a second client along with the first and adds the functionality of being able to act as a message or opinion passing mechanism between the two clients which Group I cannot do. Because of the added utility of Group II and mutually exclusive elements between the two inventive Groups, the differences are not trivial.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and because the search required for Group III is not required for Groups I and II, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 12-13, 28-29, 47-48, 60-61, 75, and 77-78 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 12, 28, 47, 60, 75, and 77, the phrase "substantially similar" renders the claims indefinite. The phrase "substantially similar" is a subjective phrase and no guidelines are given as to how similar two scripts or queries must be in order to be considered "substantially similar". Due to this, the claims fail to particularly point out and distinctly claim the subject matter to which they pertain and are considered to be indefinite.

Claims 13, 29, 48, 61, and 78 rejected for dependency.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-2, 4-6, 8-10, 12, 14-18, 21-22, 24-26, 28, 30-34, 37-41, 43-45, 47, 49-53, 56-60, 63-64, 66-68, 70-75, 77, 79-80, and 82-83 rejected under 35 U.S.C. 102(b)

Art Unit: 2165

as being anticipated by Knott et al (U.S. Pre-Grant Publication Number 2004/0161078 and referred to hereinafter as Knott).

As per Claim 1, Knott discloses a method for providing data collection from a client at a data collection mechanism (i.e. *"A speech-recognition enabled, interactive voice response system presents an adaptable menu to callers to obtain information over a telephone with speech or touch-tone DTMF inputs."* The preceding text excerpt clearly indicates a data collection mechanism to collect data from a client/caller at a data collection mechanism/ over a telephone.) (Page 1, Paragraph 15), the method comprising: collecting from a client a first portion of data using a first data collection mechanism using at least a portion of a first script comprising one or more queries for information to the client (i.e. *"After the greeting, the process proceeds to step 28 where the caller is instructed to "Please identify your task," followed by a pause to allow an opening statement utterance. IVR 10 then lists the menu options and an associated DTMF tone in a predetermined order, such as in the order of frequency of the requests by callers."* The preceding text excerpt clearly indicates that a first script/menu is presented to the caller/client presenting a query for information about the request of the caller/client. The callers/clients response/utterance/tone/a first portion of data is then collected from the caller.) (Page 3, Paragraph 23); associating the client with a second data collection mechanism based at least in part on an event associated with the client's interaction with the first data collection mechanism (i.e. *"IVR 10 determines the category of the task associated with the caller's request for information and forwards the caller to a menu node associated with the task."* The preceding text excerpt clearly indicates that the caller is forwarded to a second data collection mechanism/menu node associated with the callers/clients response to the first data collection mechanism.) (Page 3, Paragraph 33.); and after associating the client with the second data collection mechanism, collecting from the client a second portion of data

Art Unit: 2165

using a second script, wherein the second script comprises at least one query for information not yet presented to the client by the first script (i.e. *"At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."* The preceding text excerpt clearly indicates that a second portion of data is collected from the user pertaining to the service that was selected in the previous data collection mechanism. Note that this is done using a second script and comprises at least one query that was not asked in the first script (e.g. requesting the caller/client to identify the specific information requested from about the selected service).) (Page 4, Paragraph 37).

As per Claims 2, and 38, Knott discloses the first data collection mechanism comprises an interactive voice response system (i.e. *"IVR 10 provides a voice menu that directs callers to input information requests through either a voice response or a touch-tone response."* The preceding text excerpt clearly indicates that the first data collection mechanism may be an interactive voice response system.) (Page 2, Paragraph 18).

As per Claim 4, Knott discloses the first data collection mechanism comprises a live agent (i.e. *"If a caller is unable to receive information from the automated responses of IVR 10, then the caller is forwarded to an operator 16 interfaced with IVR 10 for individual handling."* The preceding text excerpt clearly indicates that the first data collection mechanism may be a live agent.) (Page 2, Paragraph 17).

As per Claims 5, 39, and 67, Knott discloses the second data collection mechanism comprises a live agent (i.e. *"If a caller is unable to receive information from the*

Art Unit: 2165

automated responses of IVR 10, then the caller is forwarded to an operator 16 interfaced with IVR 10 for individual handling." The preceding text excerpt clearly indicates that the second data collection mechanism may be a live agent.) (Page 2, Paragraph 17).

As per Claims 6, 22, 41, and 68, Knott discloses the first script comprises an interactive voice response script capable of speech recognition (i.e. *"Analysis of opening statements made by callers identifies tasks of callers upon initial contact and relates the tasks to information classifications. The adaptable menu nodes allow callers to navigate quickly to desired information by applying voice recognition to caller inputs responsive to an initial prompt for the caller's task...IVR 10 provides a voice menu that directs callers to input information requests through either a voice response or a touch-tone response."* The preceding text excerpt clearly indicates that the first script may comprise an interactive voice response system with speech/voice recognition.) (Page 1, Paragraph 15; Page 2, Paragraphs 15, 18).

As per Claims 8, 24, 43, 57, and 70, Knott discloses the first script comprises a plurality of queries (i.e. *"At step 52, the caller is requested to input the service of interest and the caller's area code or state. For instance, a script instructs the caller to state a service for which information is available, such as call blocking, caller ID, message center and call forwarding, or to input a DTMF tone of 1 through 4 with each tone associated with a service. The caller is also instructed to input an area code or state since service offerings may vary by calling area. The area code and state information may be input by a caller utterance or by using the phone keypad."* The preceding text excerpt clearly indicates that the first script may comprise a plurality of queries (e.g. identification of service, area code, and/or state.) (Pages 3-4, Paragraph 35).

As per Claims 9, 25, 44, 58, 71, and Knott discloses the first portion of data comprises answers in response to the queries associated with the first script (i.e. *"At step 30, IVR 10 accepts the caller input, determines the menu node selected by the caller input and advances the input to task analyzer 20 for classification of the task requested by the caller."* The preceding text excerpt clearly indicates that the first portion of data/user response is an answer in response to the queries associated with the first script/menu.) (Page 3, Paragraph 32).

As per Claims 10, 26, 45, 59, and 72, Knott discloses the first portion of data comprises queries and answers associated with the first script (i.e. *"At step 30, IVR 10 accepts the caller input, determines the menu node selected by the caller input and advances the input to task analyzer 20 for classification of the task requested by the caller."* The preceding text excerpt clearly indicates that the first portion of data/user response is an answer in response to the queries associated with the first script/menu. Note that the task analyzer must also receive the query associated with the first script in order to analyze the response in light of the query.) (Page 3, Paragraph 32).

As per Claims 12, 28, 47, 60, and 77, Knott discloses the second script comprises a second plurality of queries that are substantially similar to a first plurality of queries associated with the first script (i.e. *"At step 58, IVR 10 retrieves the service information available for the area input by the caller. For instance, service offerings and functionality may vary based on service areas. At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."* The preceding text excerpt clearly indicates that the second script comprises a plurality of queries (e.g. the options for multiple types of information) which are substantially similar to the first plurality of queries

Art Unit: 2165

in that they are also menu selections and are based upon the information received in regards to the first plurality of queries).) (Page 4, Paragraph 37).

As per Claims 14, 30, and 49, Knott discloses the second script is based at least in part on a portion of the first script used to collect the first portion of data (i.e. *"At step 58, IVR 10 retrieves the service information available for the area input by the caller. For instance, service offerings and functionality may vary based on service areas. At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."* The preceding text excerpt clearly indicates the second script is based at least in part on the first script in that it gives options for types of information available in the same menu-based manner as the first script and based on the answers from the first script.) (Page 4, Paragraph 37).

As per Claims 15, 31, 50, 62, and 79, Knott discloses the second portion of data comprises one or more answers of the client in response to one or more queries of the second data collection mechanism (i.e. *"At step 58, IVR 10 retrieves the service information available for the area input by the caller. For instance, service offerings and functionality may vary based on service areas. At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."* The preceding text excerpt clearly indicates that the second portion of data/user response to the second set of queries comprises answers to one or more queries presented in the second set of queries (e.g. the users menu selection).) (Page 4, Paragraph 37).

As per Claims 16, 32, and 51, Knott discloses the second script is generated by one of the data collection mechanisms (i.e. *"At step 58, IVR 10 retrieves the service information available for the area input by the caller. For instance, service offerings and functionality may vary based on service areas. At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."*) The preceding text excerpt clearly indicates that the script is generated by the second data collection mechanism based on the first portion of data (e.g. the second script is not the same for all first portions of data, and the information presented by the second data collection mechanism in the second script is based upon the first response).) (Page 4, Paragraph 37).

As per Claims 17, 33, and 80, Knott discloses the first portion of data and the second portion of data are stored in common memory accessible to the first data collection mechanism and the second data collection mechanism (i.e. *"At step 58, IVR 10 retrieves the service information available for the area input by the caller. For instance, service offerings and functionality may vary based on service areas. At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."*) The preceding text excerpt clearly indicates that the first and second portions of data are stored in common memory accessible to the first and second data collection mechanisms due to the fact that the second data collection mechanism uses the first portion of data in order to generate the second script and therefor must have access to it.) (Page 4, Paragraph 37).

As per Claims 18, 34, 53, and 64, Knott discloses associating the client and the second portion of data back with the first data collection mechanism to collect a third

Art Unit: 2165

portion of data using the first script (i.e. *"IVR accepts the caller input, determines the menu node selected by the caller input and advanced the input to the task analyzer for classification of the task requested by the caller...IVR determines the category of the task associated with the callers request for information and forwards the caller to a menu node associated with the task...advances callers to menu node associates with tasks based on either the DTMF tone or utterance input of the user."* The preceding text excerpt clearly indicates that the menu node (e.g. data collection mechanism) to which the caller is forwarded depends on the callers/clients request for all data collection mechanisms. Therefore, at the second data collection mechanism, if the second data portion/utterance/DTMF tone indicated that the caller/client desired to go to the first menu node/data collection mechanism, the task analyzer would determine this and the caller/client and second portion of data would be associated back to the first menu/data collection mechanism which would collect another menu choice/utterance/third portion of data using the first script of the first data collection mechanism.) (Page 3, Paragraphs 32-34).

As per Claim 21, Knott discloses a method for providing data collection from a client at a data collection mechanism, the method comprising (i.e. *"A speech-recognition enabled, interactive voice response system presents an adaptable menu to callers to obtain information over a telephone with speech or touch-tone DTMF inputs."* The preceding text excerpt clearly indicates a data collection mechanism to collect data from a client/caller at a data collection mechanism/ over a telephone.) (Page 1, Paragraph 15): collecting from a client a first portion of data using an automated data collection mechanism using at least a portion of a first script comprising one or more queries for information to the client (i.e. *"After the greeting, the process proceeds to step 28 where the caller is instructed to "Please identify your task," followed by a pause to allow an opening statement utterance. IVR 10 then lists the menu options and an associated DTMF tone in a predetermined order, such as in the order of frequency of the requests by callers."* The preceding text excerpt clearly indicates that a first script/menu is presented to the caller/client presenting a query for

Art Unit: 2165

information about the request of the caller/client. The callers/clients response/utterance/tone/a first portion of data is then collected from the caller.) (Page 3, Paragraph 23); associating the client with a live agent based at least in part on an event associated with the client's interaction with the automated data collection mechanism (i.e. *"If a caller is unable to receive information from the automated responses of IVR 10, then the caller is forwarded to an operator 16 interfaced with IVR 10 for individual handling."* The preceding text excerpt clearly indicates that the client caller may be associated with a live agent in response to an event (e.g. not being able to receive information) associated with the first script.) (Page 2, Paragraph 17); and after associating the client with the live agent, collecting a second portion of data from the client using a second script, wherein the second script comprises at least one query for information not yet presented to the client by the first script (i.e. *"At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."* The preceding text excerpt clearly indicates that a second portion of data is collected from the user pertaining to the service that was selected in the previous data collection mechanism. Note that this is done using a second script and comprises at least one query that was not asked in the first script (e.g. requesting the caller/client to identify the specific information requested from about the selected service). Note that after the live agent completes the first script, the client caller may then be forwarded into the automated second script or continue the second script with the live agent.) (Page 4, Paragraph 37).

As per Claim 37, Knott discloses a method for providing data collection from a client at a data collection mechanism (i.e. *"A speech-recognition enabled, interactive voice response system presents an adaptable menu to callers to obtain information over a telephone with speech or touch-tone DTMF inputs."* The preceding text excerpt clearly indicates a data collection

Art Unit: 2165

mechanism to collect data from a client/caller at a data collection mechanism/ over a telephone.) (Page 1, Paragraph 15), the method comprising: collecting from a client a first portion of data using a first data collection mechanism using at least a portion of a first script comprising one or more queries for information to the client (i.e. *"After the greeting, the process proceeds to step 28 where the caller is instructed to "Please identify your task," followed by a pause to allow an opening statement utterance. IVR 10 then lists the menu options and an associated DTMF tone in a predetermined order, such as in the order of frequency of the requests by callers."*) The preceding text excerpt clearly indicates that a first script/menu is presented to the caller/client presenting a query for information about the request of the caller/client. The callers/clients response/utterance/tone/a first portion of data is then collected from the caller.) (Page 3, Paragraph 23); associating the client with a second data collection mechanism based at least in part on an event associated with the client's interaction with the first data collection mechanism (i.e. *"IVR 10 determines the category of the task associated with the caller's request for information and forwards the caller to a menu node associated with the task."*) The preceding text excerpt clearly indicates that the caller is forwarded to a second data collection mechanism/menu node associated with the callers/clients response to the first data collection mechanism.) (Page 3, Paragraph 33.); and after associating the client with the second data collection mechanism, collecting from the client a second portion of data using a second script (i.e. *"At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."*) The preceding text excerpt clearly indicates that a second portion of data is collected from the user pertaining to the service that was selected in the previous data collection mechanism. Note that this is done using a second script and comprises at least one query that was not asked in the first script (e.g. requesting the caller/client to identify the specific information requested from about the selected service).) (Page 4, Paragraph 37), wherein the first portion of data and the second

Art Unit: 2165

portion of data are stored in a common memory accessible to the first and second data collection mechanisms (i.e. *"At step 58, IVR 10 retrieves the service information available for the area input by the caller. For instance, service offerings and functionality may vary based on service areas. At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."* The preceding text excerpt clearly indicates that the first and second portions of data are stored in common memory accessible to the first and second data collection mechanisms due to the fact that the second data collection mechanism uses the first portion of data in order to generate the second script and therefore must have access to it.) (Page 4, Paragraph 37).

As per Claim 40, Knott discloses the second data collection mechanism comprises an interactive voice response system (i.e. *"At step 58, IVR 10 retrieves the service information available for the area input by the caller. For instance, service offerings and functionality may vary based on service areas. At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."* The preceding text excerpt clearly indicates that the second data collection mechanism is an interactive voice response system (IVR).) (Page 4, Paragraph 37).

As per Claims 52, and 63, Knott discloses the second script is based at least in part on a portion of the first script used to collect the first portion of data (i.e. *"At step 58, IVR 10 retrieves the service information available for the area input by the caller. For instance, service offerings and functionality may vary based on service areas. At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired*

information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service." The preceding text excerpt clearly indicates the second script is based at least in part on the first script in that it gives options for types of information available in the same menu-based manner as the first script and based on the answers from the first script.) (Page 4, Paragraph 37) and comprises at least one query for information not yet presented to the client by the first script (i.e. *"At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."* The preceding text excerpt clearly indicates that a second portion of data is collected from the user pertaining to the service that was selected in the previous data collection mechanism. Note that this is done using a second script and comprises at least one query that was not asked in the first script (e.g. requesting the caller/client to identify the specific information requested from about the selected service).) (Page 4, Paragraph 37).

As per Claim 56, Knott discloses a method for providing data collection from a client at a data collection mechanism (i.e. *"A speech-recognition enabled, interactive voice response system presents an adaptable menu to callers to obtain information over a telephone with speech or touch-tone DTMF inputs."* The preceding text excerpt clearly indicates a data collection mechanism to collect data from a client/caller at a data collection mechanism/ over a telephone.) (Page 1, Paragraph 15), the method comprising: collecting from a client a first portion of data using an automated data collection mechanism using at least a portion of a first script comprising one or more queries for information to the client (i.e. *"After the greeting, the process proceeds to step 28 where the caller is instructed to "Please identify your task," followed by a pause to allow an opening statement utterance. IVR 10 then lists the menu options and an associated DTMF tone in a predetermined order, such as in the order of frequency of the requests by callers."* The

Art Unit: 2165

preceding text excerpt clearly indicates that a first script/menu is presented to the caller/client presenting a query for information about the request of the caller/client. The callers/clients response/utterance/tone/a first portion of data is then collected from the caller.) (Page 3, Paragraph 23); associating the client with a live agent based at least in part on an event associated with the client's interaction with the automated data collection mechanism (i.e. *"If a caller is unable to receive information from the automated responses of IVR 10, then the caller is forwarded to an operator 16 interfaced with IVR 10 for individual handling."* The preceding text excerpt clearly indicates that the client caller may be associated with a live agent in response to an event (e.g. not being able to receive information) associated with the first script.) (Page 2, Paragraph 17); and after associating the client with the live agent, collecting from the client a second portion of data using a second script (i.e. *"At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."* The preceding text excerpt clearly indicates that a second portion of data is collected from the user pertaining to the service that was selected in the previous data collection mechanism. Note that this is done using a second script and comprises at least one query that was not asked in the first script (e.g. requesting the caller/client to identify the specific information requested from about the selected service). Note that after the live agent completes the first script, the client caller may then be forwarded into the automated second script or continue the second script with the live agent.) (Page 4, Paragraph 37)., wherein the first portion of data and the second portion of data are stored in a common memory accessible to the first and second data collection mechanisms (i.e. *"At step 58, IVR 10 retrieves the service information available for the area input by the caller. For instance, service offerings and functionality may vary based on service areas. At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four*

types of information for the identified service." The preceding text excerpt clearly indicates that the first and second portions of data are stored in common memory accessible to the first and second data collection mechanisms due to the fact that the second data collection mechanism uses the first portion of data in order to generate the second script and therefor must have access to it.) (Page 4, Paragraph 37).

As per Claim 66, Knott discloses a method for providing data collection from a client at a data collection mechanism (i.e. *"A speech-recognition enabled, interactive voice response system presents an adaptable menu to callers to obtain information over a telephone with speech or touch-tone DTMF inputs."* The preceding text excerpt clearly indicates a data collection mechanism to collect data from a client/caller at a data collection mechanism/ over a telephone.) (Page 1, Paragraph 15), the method comprising: collecting from a client a first portion of data using a first data collection mechanism using at least a portion of a first script comprising one or more queries for information to the client (i.e. *"After the greeting, the process proceeds to step 28 where the caller is instructed to "Please identify your task," followed by a pause to allow an opening statement utterance. IVR 10 then lists the menu options and an associated DTMF tone in a predetermined order, such as in the order of frequency of the requests by callers."* The preceding text excerpt clearly indicates that a first script/menu is presented to the caller/client presenting a query for information about the request of the caller/client. The callers/clients response/utterance/tone/a first portion of data is then collected from the caller.) (Page 3, Paragraph 23); associating the client with a second data collection mechanism based at least in part on an event associated with the client's interaction with the first data collection mechanism (i.e. *"IVR 10 determines the category of the task associated with the caller's request for information and forwards the caller to a menu node associated with the task."* The preceding text excerpt clearly indicates that the caller is forwarded to a second data collection mechanism/menu node associated with the callers/clients response to the first data collection mechanism.) (Page 3, Paragraph 33.); after associating the client with the second

Art Unit: 2165

data collection mechanism, collecting from the client a second portion of data, the second portion of data comprising a plurality of answers of the client in response to one or more queries of the second data collection mechanism (i.e. *"At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."* The preceding text excerpt clearly indicates that a second portion of data is collected from the user pertaining to the service that was selected in the previous data collection mechanism. Note that this is done using a second script and comprises at least one query that was not asked in the first script (e.g. requesting the caller/client to identify the specific information requested from about the selected service).) (Page 4, Paragraph 37), and associating the client and at least some of the second portion of data with the first data collection mechanism to facilitate collection of a third portion of data using the first script (i.e. *"IVR accepts the caller input, determines the menu node selected by the caller input and advanced the input to the task analyzer for classification of the task requested by the caller...IVR determines the category of the task associated with the callers request for information and forwards the caller to a menu node associated with the task...advances callers to menu node associates with tasks based on either the DTMF tone or utterance input of the user."* The preceding text excerpt clearly indicates that the menu node (e.g. data collection mechanism) to which the caller is forwarded depends on the callers/clients request for all data collection mechanisms. Therefore, at the second data collection mechanism, if the second data portion/utterance/DTMF tone indicated that the caller/client desired to go to the first menu node/data collection mechanism, the task analyzer would determine this and the caller/client and second portion of data would be associated back to the first menu/data collection mechanism which would collect another menu choice/utterance/third portion of data using the first script of the first data collection mechanism.) (Page 3, Paragraphs 32-34).

As per Claim 73, Knott discloses the second portion of data is collected using a second script (i.e. *"At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."*) The preceding text excerpt clearly indicates that a second portion of data is collected from the user pertaining to the service that was selected in the previous data collection mechanism. Note that this is done using a second script and comprises at least one query that was not asked in the first script (e.g. requesting the caller/client to identify the specific information requested from about the selected service.) (Page 4, Paragraph 37).

As per Claim 74, Knott discloses the second script comprises at least one query for information not yet presented to the client by the first script (i.e. *"At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."*) The preceding text excerpt clearly indicates that a second portion of data is collected from the user pertaining to the service that was selected in the previous data collection mechanism. Note that this is done using a second script and comprises at least one query that was not asked in the first script (e.g. requesting the caller/client to identify the specific information requested from about the selected service.) (Page 4, Paragraph 37).

As per Claim 75, Knott discloses the second script is substantially similar to the first script (i.e. *"At step 58, IVR 10 retrieves the service information available for the area input by the caller. For instance, service offerings and functionality may vary based on service areas. At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller*

Art Unit: 2165

is presented with four types of information for the identified service." The preceding text excerpt clearly indicates that the second script comprises a plurality of queries (e.g. the options for multiple types of information) which are substantially similar to the first plurality of queries in that they are also menu selections and are based upon the information received in regards to the first plurality of queries.) (Page 4, Paragraph 37).

As per Claim 82, Knott discloses initiating the data exchange comprises generating a call from outside the data collection mechanism (i.e. "Callers establish communication with IVR 10 by, for instance, placing a telephone call with telephones 14 through PSTN 12 to a predetermined telephone number associated with IVR 10." The preceding text excerpt clearly indicates that the data exchange is initiated by placing a call from a telephone, which may be inside or outside the data collection mechanism.) (Page 2, Paragraph 18).

As per Claim 83, Knott discloses initiating the data exchange comprises generating a call from within the data collection mechanism (i.e. "Callers establish communication with IVR 10 by, for instance, placing a telephone call with telephones 14 through PSTN 12 to a predetermined telephone number associated with IVR 10." The preceding text excerpt clearly indicates that the data exchange is initiated by placing a call from a telephone, which may be inside or outside the data collection mechanism.) (Page 2, Paragraph 18).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 2165

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3, 7, 11, 23, 27, 42, 46, 69, and 76 rejected under 35 U.S.C. 103(a) as being unpatentable over Knott in view of Feinberg et al. ("Designing and Developing Surveys on WWW Sites", Proceedings of the 16th International Conference on Computer Documentation, ACM, Sept. 1998 and referred to hereinafter as Feinberg).

As per Claim 3, Knott fails to disclose the first data collection mechanism comprises an interactive web-based system.

Feinberg discloses the first data collection mechanism comprises an interactive web-based system (i.e. *"The types of surveys being conducted on the internet fall into three categories: surveys that determine who is using the WWW, surveys that determine customer satisfaction with the product or service, and the newest type of survey that collects research data."* The preceding text excerpt clearly indicates the scripts may be implemented on the internet, in HTML form, in order to collect research data.) (Page 38, Abstract).

It would have been obvious to one skilled in the art at the time of applicants invention to modify the teachings of Knott with the teachings of Feinberg to include the first data collection mechanism comprises an interactive web-based system with the motivation of describing new directions for surveys and technical considerations for the retrieval and storage of survey responses.

As per Claims 7, 23, 42, and 69, Knott fails to disclose the first script comprises an HTML-based script.

Feinberg discloses the first script comprises an HTML-based script (i.e. *"The types of surveys being conducted on the internet fall into three categories: surveys that determine who is using the WWW, surveys that determine customer satisfaction with the product or service, and the newest type of survey that collects research data."* The preceding text excerpt clearly indicates the scripts may be implemented on the internet, in HTML form, in order to collect research data.) (Page 38, Abstract).

It would have been obvious to one skilled in the art at the time of applicants invention to modify the teachings of Knott with the teachings of Feinberg to include the first script comprises an HTML-based script with the motivation of describing new directions for surveys and technical considerations for the retrieval and storage of survey responses.

As per Claims 11, 27, 46, and 76, Knott fails to disclose the second script comprises an HTML-based script.

Feinberg discloses the second script comprises an HTML-based script (i.e. *"The types of surveys being conducted on the internet fall into three categories: surveys that determine who is using the WWW, surveys that determine customer satisfaction with the product or service, and the newest type of survey that collects research data."* The preceding text excerpt clearly indicates the scripts may be implemented on the internet, in HTML form, in order to collect research data.) (Page 38, Abstract).

It would have been obvious to one skilled in the art at the time of applicants invention to modify the teachings of Knott with the teachings of Feinberg to include the second script comprises an HTML-based script with the motivation of describing new directions for surveys and technical considerations for the retrieval and storage of survey responses.

11. Claims 13, 19, 29, 35, 48, 54, 61, 65, and 78 rejected under 35 U.S.C. 103(a) as being unpatentable over Knott in view of Murase et al. (U.S. Pre Grant Publication Number 2003/0092976 and referred to hereinafter as Murase).

As per Claims 13, 29, 48, 61, and 78, Knott fails to disclose marking the first script at a query where the client was associated with the second data collection mechanism; associating the first portion of data with the second data collection mechanism; populating at least a portion of the second script with at least some of the first portion of data, the first portion of data comprising one or more answers of the client associated with one or more queries presented by the first script.

Murase discloses marking the first script at a query where the client was associated with the second data collection mechanism (i.e. *"After these basic data are inputted, a question is posed as to the present health condition of the patient...Through these steps, the diagnostic device searches, as shown in Fig.7, for the name of a disease corresponding to the headache...Next, a second stage questionnaire is outputted for collection of data on headache..."* The preceding text excerpt clearly indicates that the first script is marked at the point where the information is going to be associated with the second data collection mechanism in order to perform a search on the data input at that point in the script.) (Page 3, Paragraphs 37-38); associating the first portion of data with the second data collection mechanism (i.e. *"After these basic data are inputted, a question is posed as to the present health condition of the patient...Through these steps, the diagnostic device searches, as shown in Fig.7, for the name of a disease corresponding to the headache...Next, a second stage questionnaire is outputted for collection of data on headache..."* The preceding text excerpt

clearly indicates that the first portion of data is associated with (e.g. used in) the second data collection mechanism.) (Page 3, Paragraphs 37-38); populating at least a portion of the second script with at least some of the first portion of data, the first portion of data comprising one or more answers of the client associated with one or more queries presented by the first script (i.e. *"After these basic data are inputted, a question is posed as to the present health condition of the patient...Through these steps, the diagnostic device searches, as shown in Fig. 7, for the name of a disease corresponding to the headache...Next, a second stage questionnaire is outputted for collection of data on headache..."*) The preceding text excerpt clearly indicates that the first portion of data is used to populate, at least in part, the second script (e.g. in order to collect further data about headaches, as referenced, the second script must contain questions referencing headaches, therefore using the term 'headache' from the first portion of data to populate queries for the second script.) (Page 3, Paragraphs 37-38).

It would have been obvious to one skilled in the art at the time of applicants invention to modify the teachings of Knott with the teachings of Murase to include marking the first script at a query where the client was associated with the second data collection mechanism; associating the first portion of data with the second data collection mechanism; populating at least a portion of the second script with at least some of the first portion of data, the first portion of data comprising one or more answers of the client associated with one or more queries presented by the first script with the motivation of providing an interactive means of collecting data in which the questions posed are not predetermined, but depend on the answers given to an earlier posed question (Murase, Page 1, Paragraph 9).

As per Claims 19, 35, 54, and 65, Knott fails to disclose associating the first portion of data with the second data collection mechanism and populating at least a portion of the second script with the first portion of data.

Murase discloses associating the first portion of data with the second data collection mechanism (i.e. *"After these basic data are inputted, a question is posed as to the present health condition of the patient...Through these steps, the diagnostic device searches, as shown in Fig. 7, for the name of a disease corresponding to the headache...Next, a second stage questionnaire is outputted for collection of data on headache..."* The preceding text excerpt clearly indicates that the first portion of data is associated with (e.g. used in) the second data collection mechanism.) (Page 3, Paragraphs 37-38) and populating at least a portion of the second script with the first portion of data (i.e. *"After these basic data are inputted, a question is posed as to the present health condition of the patient...Through these steps, the diagnostic device searches, as shown in Fig. 7, for the name of a disease corresponding to the headache...Next, a second stage questionnaire is outputted for collection of data on headache..."* The preceding text excerpt clearly indicates that the first portion of data is used to populate, at least in part, the second script (e.g. in order to collect further data about headaches, as referenced, the second script must contain questions referencing headaches, therefore using the term 'headache' from the first portion of data to populate queries for the second script).) (Page 3, Paragraphs 37-38).

It would have been obvious to one skilled in the art at the time of applicants invention to modify the teachings of Knott with the teachings of Murase to include associating the first portion of data with the second data collection mechanism and populating at least a portion of the second script with the first portion of data with the motivation of providing an interactive means of collecting data in which the questions

Art Unit: 2165

posed are not predetermined, but depend on the answers given to an earlier posed question (Murase, Page 1, Paragraph 9).

12. Claims 20, 36, 55, and 81 rejected under 35 U.S.C. 103(a) as being unpatentable over Knott in view of Dewan (U.S. Patent Number 6,654,447).

As per Claims 20, 36, 55, and 81, Knott discloses populating at least a portion of the first script with the second portion of data collected at the second data collection mechanism (i.e. *"Menu 18 presents voice responses to callers to request input of and to address the specific caller task, such as the specific service and associated information requested by the caller, based upon the analysis of the frequency of requests for the specific task."* The preceding text excerpt clearly indicates that the menu is updated to reflect the frequency of tasks chosen by clients/callers. This indicates that choices made frequently in regards to the second plurality of queries may then be presented (e.g. populated into) a portion of the first script.) (Page 2, Paragraph 19).

Knott fails to disclose generating an assistance signal in response to the event associated with the client; marking the first script at a point where the assistance signal was generated.

Dewan discloses generating an assistance signal in response to the event associated with the client (i.e. *"According to one embodiment of the present invention, a system for pausing a session with a voice response unit is disclosed. The system includes an interface that establishes a session. A processor pauses the session in response to receiving a pause signal."* The preceding text excerpt clearly indicates that a pause signal/assistance signal is generated in response to an event associated with the client (e.g. the client pauses the session.) (Column 1, Lines 35-39);

Art Unit: 2165

marking the first script at a point where the assistance signal was generated (i.e. "A state engine determines as interrupted state of the session at which the processor pauses the session." The preceding text excerpt clearly indicates that the first script is marked as a point where the assistance signal was generated (e.g. the state of the session at the time of signal generation is saved).) (Column 1, Lines 39-41).

It would have been obvious to one skilled in the art at the time of applicants invention to modify the teachings of Knott with the teachings of Dewan to include generating an assistance signal in response to the event associated with the client; marking the first script at a point where the assistance signal was generated with the motivation of enable workflow to be used to direct the actions of a voice response unit.

Points of Contact

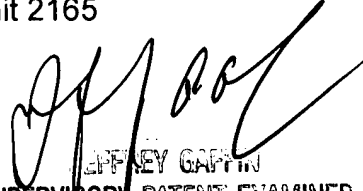
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Hicks whose telephone number is (571) 272-2670. The examiner can normally be reached on Monday - Friday 8:30a - 5:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2165

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael J Hicks
(571) 272-2670
Art Unit 2165



JEFFREY CAPRIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100